

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

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<b>PLAINVILLE GENERATING CO., LLC,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>vs.</b>	)	<b>C.A. No. 05-11210-GAO</b>
	)	
<b>DTE BIOMASS ENERGY, INC.</b>	)	
<b>AND</b>	)	
<b>PLAINVILLE GAS PRODUCERS, INC.,</b>	)	
	)	
<b>Defendants.</b>	)	
	)	

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**PLAINTIFF'S MOTION FOR A SHORT ORDER OF NOTICE**

Plaintiff Plainville Generating Co., LLC ("Plaintiff") hereby moves for a short order of notice requiring that defendants Plainville Gas Producers, Inc. ("Plainville Gas") and DTE Biomass Energy, Inc, ("DTE") (collectively, "Defendants") appear on October 25, 2005 — the date of the first scheduling conference in this case — to show cause why the Court should not grant Plaintiff's Motion for Preliminary Injunction, which is being concurrently filed with this motion.

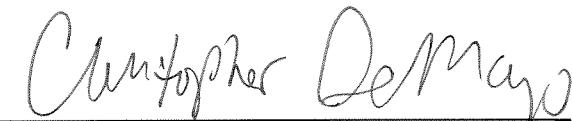
In support of this motion Plaintiff relies on its Memorandum of Law in Support of Plaintiff's Motion for Preliminary Injunction. A short order of notice is required so that the Court may promptly resolve these issues before Plaintiff suffers irreparable harm as a result of Plainville Gas' failure to provide data and materials required by Plaintiff to operate a certain natural gas collection facility located in Plainville, Massachusetts. The date of October 25, 2005 should minimize inconvenience to the parties and the Court as it has already been scheduled for a conference in this case.

WHEREFORE, Plaintiff respectfully requests that the Court grant this motion for a short order of notice and issue an Order in the form attached hereto.

Dated: October 18, 2005

PLAINVILLE GENERATING Co., LLC

By its Attorneys,



Steven Ferrey, Consulting Counsel (BBO No. 163600)  
Christopher L. DeMayo (BBO No. 653481)  
LEBOEUF, LAMB, GREENE & MACRAE, L.L.P.  
260 Franklin Street  
Boston, MA 02110  
(617) 748-6800

**CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1**

I, Christopher DeMayo, counsel for Plaintiff, hereby certify that in accordance with Local Rule 7.1(A)(2) I conferred in good faith with counsel for Defendants in an attempt to narrow the issues presented in this motion. Despite this good faith attempt, we have been unable to narrow the issues presented in this motion.



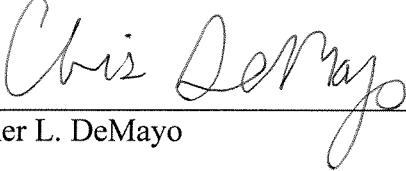
\_\_\_\_\_  
Christopher L. DeMayo

**CERTIFICATE OF SERVICE**

I, Christopher L. DeMayo, hereby certify that this 18th day of October, 2005, I caused a true copy of the foregoing Motion for Short Order of Notice to be served on counsel of record for Plainville Gas Producers, Inc. and DTE Biomass Energy, Inc. at the following addresses:

Wesley S. Chused, Esq.  
Looney & Grossman, LLP  
101 Arch Street  
Boston, MA 02110  
(617) 951-2800  
**(via hand delivery)**

W.C. Blanton, Esq.  
Blackwell, Sanders, Peper & Martin, LLP  
4801 Main Street  
Suite 1000  
Kansas City, MO 64112  
816-983-8000  
**(via FedEx overnight delivery)**

  
Christopher L. DeMayo

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<b>Plaintiff,</b>	)	
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<b>vs.</b>	)	<b>C.A. No. 05-11210-GAO</b>
	)	
<b>DTE BIOMASS ENERGY, INC.</b>	)	
<b>AND</b>	)	
<b>PLAINVILLE GAS PRODUCERS, INC.,</b>	)	
	)	
<b>Defendants.</b>	)	
	)	

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**ORDER ON PLAINTIFF'S MOTION FOR A SHORT ORDER OF NOTICE**

On Motion of Plaintiff Plainville Generation Co., LLC for the issuance of a short order of notice directing Defendants DTE Biomass Energy, Inc. and Plainville Gas Producers, Inc. to appear on October 25, 2005 and show cause why the Court should not enter the preliminary injunction requested by Plaintiff in its motion dated October 17, 2005;

It is hereby

ORDERED that the Defendants shall appear before the Court at 2:00 p.m. on October 25, 2005 to show cause why the Court should not grant Plaintiff's preliminary injunction in the above-captioned matter.

SO ORDERED.

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Hon. George A. O'Toole  
Federal District Judge of the District of Massachusetts